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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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SOMPO JAPAN INSURANCE COMPANY OF AMERICA and SOMPO JAPAN INSURANCE, INC.	: 07 Civ. 2735 (DC)
	:
<i>Plaintiffs,</i>	:
- against -	:
NORFOLK SOUTHERN RAILWAY COMPANY, NORFOLK SOUTHERN CORPORATION and THE KANSAS CITY RAILWAY COMPANY	: DECLARATION OF THOMAS M. EAGAN IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT RE: <u>KUBOTA TRACTOR SHIPMENT</u>
	:
<i>Defendants.</i>	:
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I, Thomas M. Eagan, declare that I am a member of Maloof Browne & Eagan LLC, attorneys for plaintiffs Sampo Japan Insurance Company of America and Sampo Japan Insurance, Inc.

1. Attached as Exhibit 1 are true copies of photographs of the train wreck as produced by Norfolk Southern (from Bates NSGENL 554-566).
2. Attached as Exhibit 2 are true copies of the photographs of the Kubota Tractors at destination in Georgia (Johnson Dep. Ex. 24; Kubota Dep. Ex. 3).
3. Attached as Exhibit 3 is a true copy of the deposition of Kazahiro Aikoh, Inspection Engineer, Kubota Corporation.

4. Attached as Exhibit 4 is a true copy of the Kubota Tsukuba factory ISO certificate (Kubota Dep. Ex. 24).

5. Attached as Exhibit 5 is a true copy of the Kubota factory inspection certificate (Kubota Dep. Ex. 1).

6. Attached as Exhibit 6 is a true copy of the translation of Exhibit 5 (Kubota Dep. Ex. 2).

7. Attached as Exhibit 7 is a true copy of the deposition of Takehashi Yokoo, Section Manager, Logistics Group, Kubota Corporation.

8. Attached as Exhibit 8 is a true copy of the Packing List, Invoice and Serial Number List (from Kubota Dep. Exs. 5-20).

9. Attached as Exhibit 9 is a true copy of the Yang Ming Bills of Lading (Kubota Dep. Ex. 21).

10. Attached as Exhibit 10 is a true copy of the Response of Yang Ming to subpoena *duces tecum* (by their attorneys Keenan Cohen & Howard, P.C.), and the subpoena.

11. Attached as Exhibit 11 is a true copy of the Norfolk Southern Response to Notice to Admit.

12. Attached as Exhibit 12 is a true copy of the Deposition of Jeff Johnson (surveyor/adjuster).

13. Attached as Exhibit 13 is a true copy of the Seventh and Final Survey Report of GAB Robbins (Johnson Dep. Ex. 4).

13a. Attached as Exhibit 13a is a true copy of the inventory of damaged tractors (from Johnson Dep. Ex. 22).

14. Attached as Exhibit 14 is a true copy of the Declaration of Curtis Bishop with Ex.

A (sales prices) and Ex. B (purchase prices).

15. Attached as Exhibit 15 is a true copy of the Salvage Bid (part of Johnson Dep. Ex. 20).

16. Attached as a Exhibit 16 is a true copy of the GAB Robbins Invoice dated December 4, 2006 (Johnson Dep. Ex. 26).

17. Attached as Exhibit 17 is a true copy of Declaration of Christopher Perfect with the subrogation receipts.

18. Attached as Exhibit 18 is a true copy of the resumes of Kazuhiro Aikoh and Takehashi Yokoo of Kubota Corporation (Kubota Dep. Exs. 22 and 23).

19. Attached as Exhibit 19 is a true copy of the NS damage reports produced by defendants in discovery.

I declare the foregoing is true and correct under the penalty of perjury of the laws of the United States.

Dated: Rye, New York
March 18, 2009



Thomas M. Eagan